

Development Management Sub Committee

Wednesday 9 March 2016

**Application for Planning Permission 15/05261/FUL
At 204 Rose Street, Edinburgh, EH2 4AZ
Change of Use of the Charlotte Baptist Chapel to Centre for
Dance and the Performing Arts, including theatre, exhibition
area, museum, ballet school, dance studio and ancillary
accommodation.**

Item number	7.3 (a)
Report number	
Wards	A11 - City Centre

Summary

The proposals comply with the Development Plan and the non-statutory guidance: Edinburgh Design Guide, Listed Buildings and Conservation Areas, Movement and Design and Parking, and will not adversely impact on the character and appearance of the conservation area, or on public or residential amenity or highway safety. There are no other material considerations which outweigh this decision.

Links

Policies and guidance for this application	LPC, CITD11, CITE4, CITE6, CITEM5, CITR6, NSG, NSGD02, NSLBCA, NSMDV, NSP, NSP,
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Report

Application for Planning Permission 15/05261/FUL At 204 Rose Street, Edinburgh, EH2 4AZ Change of Use of the Charlotte Baptist Chapel to Centre for Dance and the Performing Arts, including theatre, exhibition area, museum, ballet school, dance studio and ancillary accommodation.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site is the former Charlotte Baptist Chapel which is located at the western extremity of Rose Street near Charlotte Square, on the south side of the street and on the corner of Rose Street Lane South. Directly to the north is the Roxburgh Hotel. Diagonally to the north west is a pub with six flats above it. To the east, there are six flats above a pub. To the west, on South Charlotte Street, is an office at basement with five flats above. To the south, there are shops in Princes Street with some residential properties above.

The building is category B listed and dates from 1908. It was listed on 28 March 1996, (ref: LB43329).

The property is located within the Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

16 January 2014 - planning permission and listed building consent refused for change of use and works in connection with converting the building to a pub, (application numbers 13/02032/FUL and 13/02032/LBC). Subsequent appeals for planning permission were dismissed and the listed building consent upheld.

January 2016 - planning and listed building consent applications for proposed change of use from church (class 10) to licensed restaurant with ancillary bar (class 3) and serviced accommodation (sui generis) and associated roof top plant. Pending Decision at Committee 9 March 2016 (application numbers 15/04403/FUL and 15/04347/LBC).

Main report

3.1 Description Of The Proposal

The proposal is to convert the church to a centre for dance and performing arts, including a theatre, exhibition space, museum, ballet school, dance studio and ancillary accommodation. A studio theatre is proposed in the basement area with the lounge and foyer being retained on the ground floor but with the addition of a cafe and bar, box office and seating.

The main auditorium would have 366 seats at stalls level and 257 seats at balcony level (623 in total). Additional stage provision at stalls level would be in the form of a demountable large apron to the existing stage below the pulpit, which will be retained. Seating, stage and proscenium lighting gantry configurations will be flexible. The rigs and frameworks will be flat packed and stored permanently within the building when not in use. Pews will be erected and removed depending upon the requirements of each public performance.

The top floor would be used for rehearsal/studio theatre with adjacent offices, wardrobe, kitchen and toilets. When not used for rehearsals, the studio would have the capacity to accommodate performances with seating for between 102 and 110 persons.

Supporting Statement

Three letters have been submitted with the application papers. These are from the Ralph and Meriel Richardson Foundation, The Critics' Circle and The Theatres Trust. The applicant has also submitted a Design and Access Statement, a Planning Supporting Statement (Change of Use and Internal Refurbishment) and a Socio-Economic Considerations statement.

These documents are available to view on the Planning Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the use of the premises for a ballet school and centre for dancing and performing arts is acceptable in principle in this location;
- b) there will be any loss of privacy or amenity to local residents;
- c) the proposals will adversely impact on the character of the conservation area and its appearance;
- d) there are any transport or highway issues;
- e) the use of the church as a restaurant and apartments is suitable for the listed building;
- f) the representations have been addressed; and
- g) there are any equalities or human rights issues.

a) Principle

The local plan policies relevant to this case concern the acceptability of new entertainment, leisure and food and drink establishments where amenity issues may result. Policy Ret 6 of the Edinburgh City Local Plan identifies the Central Area as a preferred location, provided these uses can be integrated satisfactorily with the surroundings, can safeguard existing character and will not cause a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.

Rose Street has a mixed use character with a range of commercial uses on the ground floor with some residential above. It reflects the artisan origins of the street where often skilled craftsmen lived above the unit that they worked in. Rose Street is renowned for containing a large number of leisure uses such as restaurants, public houses and hotels.

The principle of the change of use to a dance and performing arts centre is therefore compatible with surrounding mixed uses. The use in itself is acceptable in principle in this location and is in accordance with the local plan, subject to amenity issues.

The impact of customers' noise and disturbance in the street cannot be controlled. The building generates a congregation of 600 persons. It is typical of this city centre street. A dance and performing arts centre is a suitable use for this building. Deliveries and collections cannot be controlled as they will be from a public road and are not enforceable.

b) Amenity

Policy Ret 12a) of the Edinburgh City Local Plan seeks to safeguard against changes of use which would have a materially detrimental effect on the living conditions of nearby residents as a result of any significant increase in noise, disturbance and on street activity at unsocial hours. The proposal would generate some on street activity but not at unsocial hours as the use would be limited to normal working theatre hours.

Cooking on the site is going to be restricted and the kitchen will only be used as a cafe/bar area during performances. No external ventilation equipment will be required. A condition is recommended.

c) Character and Appearance

The New Town Conservation Area Character Appraisal states: *Princes, George and Queen Streets allied with Charlotte and St. Andrew Squares are the grandest in Craig's plan, consisting originally of individual town houses. The cross streets contained more tenements and the intermediate streets and lanes contained artisan dwellings.*

Furthermore, *streets of shops and artisans' flats were included from the beginning of the New Town. These shops have survived on the fringes of the central area, such as Stockbridge and William Street, within the central area. However, these early shopfronts have largely disappeared.*

Under Activities and Uses, the Appraisal states: *....north of Princes Street, Rose Street and George Street have considerable shop frontages, but retail use has not achieved the concentration of Princes Street.*

Rose Street has a history of shops, small pubs and hotels and artisans dwellings (the upstairs tenements). Given the current mixed character of Rose Street including its reputation for a large number of leisure uses, an institutional use, similar to that existing in the building on this site, would reflect the character of Rose Street. The physical size of the building is unique at this end of the street and its adaption to a dance and performance centre accords with its physical size, theatre type layout and city centre location.

The external appearance of the building will not fundamentally change as a result of the use.

In conclusion, the proposals will not adversely impact on the character and appearance of the conservation area.

d) Highway Issues

The site is unlikely to generate much vehicular traffic. Service deliveries and taxis are likely to cause the most movements in the street. This is no different than in the rest of the street. An Edinburgh Tram contribution of £44,550 would normally be required based on 1,475m² of gross floor area in the Other Leisure category stated within the central parking Zone 1 of the city centre.

Developer Contributions and Affordable Housing Guidance advises that any contribution should be based on the net impact of the proposals on the transport infrastructure. It states will be based on the tram contribution according to the proposed planning use(s) for the building(s)/land, minus the tram contribution based on the lawful planning use of the existing building(s)/land.

The applicants have provided figures from the Baptist Church of the usage of the premises as a church and an average figure for attendance over a week. This has been balanced against a weekly occupancy of the performing arts centre. It is concluded that the levels of use of the premises is of a similar pattern. Therefore it is considered that there is no net increase on the tram infrastructure from the proposed change of use.

A draft Travel Plan for staff and a Public Transport Real Time information display is usually required in the reception area of the foyer in order to advise staff and visitors of public transport timetables. However, such a travel plan is not enforceable and a legal agreement for this and the travel information screen is not necessary for a use which is so similar in capacity and type to that of the existing church building. The requirement for a time display and travel plan are therefore not recommended.

There are no outstanding transport issues.

e) Re-use of the Listed Building

The size of the building can be fully utilised by this proposal through maximising the auditorium space and other large spaces in a flexible manner. The listed building can be adapted for the proposed use without detriment to its character as it will essentially re-use the building without affecting its fabric, in the same way that it was utilised by the former Baptist Church.

Minor structural changes include the relocation of a stair from the south west to the south east corner of the building and the insertion of a lift shaft in the existing stair well area with associated partition changes.

The impact of the proposed use on the character of the listed building is acceptable.

f) Public comments

Material comments

- The Cockburn Association commends these plans for the sensitive way in which they deal with the building, preserving the interior space - assessed in section 3.3e) and accepted.
- West End Community Council states that it would be an ideal use of the chapel in accordance with Policy ENV4; ENV6; DES1; DES 3; DES11 and RET6 as it would cause minimal internal disruption to the building, or disturbance to neighbouring residents, and is an appropriate leisure use in the city centre - assessed in sections 3.3a) b) c) and e) and accepted.
- New Town and Broughton Community Council states use as cultural hub for dance, drama, music or other theatrical performance is supported, as from a community standpoint it provides a different and innovative use for the listed building - assessed and accepted.
- Two other letters of support have been submitted by prominent persons within the dancing/entertainment business. Their support is noted.

g) Equalities

The application has been assessed and has no impact in terms of equalities or human rights.

Conclusion

The proposals comply with the Development Plan and the non-statutory guidance: Edinburgh Design Guide, Listed Buildings and Conservation Area, Movement and Design and Parking, and will not adversely impact on the character and appearance of the conservation area, or on public or residential amenity or highway safety.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. The building shall not be used for any purpose connected with the Centre for Dance and Performing Arts use hereby permitted unless amelioration works to restrict noise emissions have been implemented in full prior to the use first commencing. The minimum requirements are:
 - a) New secondary glazing consisting of Stadip Silence 10.4mm laminated glass installed at least 100mm from the existing glazing.
 - b) The secondary glazing shall be fitted out to all window openings at ground, first, second and third floors (excluding ancillary circulation space and back of house).

- c) Inner foyer doors shall be fitted on the main entrance in accordance with the listed building consent LBA -230-2039, or as otherwise approved by the local planning authority.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
 3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order, 1997 the use of the building shall hereby be limited to a centre for Dance and Performing Arts, including theatre, exhibition area, museum, ballet school, dance studio and ancillary accommodation.
 4. Cooking in the premises shall be restricted to a maximum of one microwave oven, one soup tureen (Bain Marie) and one pannini toaster. No other cooking equipment will be permitted.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the interests of archaeological heritage.
5. In the interests of amenity and to prevent uses which may be more demanding on the fabric of the building and the locality.
6. No full ventilation system has been provided to serve the use and large scale cooking could lead to odours and loss of amenity to surrounding residents.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Advertised on 23 November 2015. Five letters have been received in total, including that from the Cockburn Association, the West End Community Council and the New Town and Broughton Community Council and two others. These letters are of support and comment.

A full assessment can be found in the main report Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is allocated as Central Area in the Edinburgh City Local Plan.

Date registered

17 November 2015

Drawing numbers/Scheme

01- 07; 8A - 11A,

Scheme 2

John Bury

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Emp 5 (Hotel Development) sets criteria for assessing sites for hotel development.

Policy Ret 6 (Entertainment and Leisure Developments – Preferred Locations) identifies the Central Area, Leith & Granton Waterfronts and town centres as the preferred locations for entertainment and leisure developments.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

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Appendix 1

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Consultations

Transport

No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-*
 - a. In line with the councils approved planning guidance with respect to developers contributions a financial contribution to the Edinburgh Tram of £44,550 is relevant (based on 1,475m² GFA Other Leisure in Zone 1). Should it be considered that this not applicable due to the nature of the use, or given the previous use of the site, it is recommended that this is fully documented in the delegated powers report or report to committee ;*
 - b. Submit a draft Travel Plan prior to first occupation and a final Travel Plan within 12 months of that date. The Travel Plan to include financial contribution to transport promotion measures, including contributions to, or provision of, public transport season tickets and the provision of a public and sustainable transport information pack to staff. Reason - To encourage more sustainable travel modes in line with the Local Transport Strategy policy LU 3;*
 - c. Install a monitor capable of receiving an internet connection to display Public Transport Real Time information in the foyer area of the Theatre. (Reason to advise staff and visitors of public transport).*

Archaeology

The current B-listed Charlotte Street Baptist Chapel was designed in 1908 by J A Arnott and J Inch Morrison and replaced an earlier Georgian Chapel constructed in 1796. Such places of worship play important parts in the history of local communities and as such considered to be of local historic/ archaeological importance. Accordingly this application must therefore be considered under terms of the following Scottish Government policies; Scottish Planning Policy (SPP), PAN2/2011 and SHEP and also under CEC's Edinburgh City Local Plan (2010) policy ENV9.

The proposed scheme will see conversion of the current listed church from its original function as a place of worship into a centre for dance and the performing arts. Although no significant adverse alterations are planned, such a process will nevertheless will have a significant impact on our understanding of the function of this regionally important building, indeed conversation may reveal elements of the former Georgian Chapel. Accordingly it is recommended therefore that a historic building survey (annotated plans/elevations, photographic and written report) linked to an appropriate level of documentary research is undertaken prior to and during any conversion/change of use.

It is recommended that this programme of works be secured using the following condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Environmental Assessment

The application proposes the change of use of a church to a centre for dance and performing arts. Residential properties overlook the application premises from the west, east and north-east. A ground floor public house is situated to the east with retail premises situated to the south. A hotel is situated across Rose Street to the north and a number of additional residential properties surround the site on Rose Street, Rose Street North Lane, Rose Street South Lane and South Charlotte Street. Various public houses exist within the Rose Street vicinity and the area is defined as having a mixed use character.

The application proposes to site a centre for dance and performing arts with ancillary bar in a mixed residential and commercial area. Rose Street and the immediate environs includes a number of differing planning uses including public houses and a certain level of noise and activity already exists within the local area. The application states that the proposed premises will include a rehearsal studio theatre on the third floor and a main house stage accommodating 263 seated patrons at second floor balcony level and another 376 in main house first floor level (639 total). The premises are entered at ground floor level and once through the foyer include another smaller stage with cafe, kitchen and bar able to accommodate 78 covers. The basement includes another (experimental) studio theatre able to accommodate another 110 seats. The staged performances are likely to include amplified music and the premises are proposed to open until 11pm, 7 days a week. Privately owned vehicle use by patrons is likely to be minimal with arrival and departure from the premises likely to mainly be by bus, taxi or on foot. The premises will require a significant level of servicing including delivery of food, drink, stage equipment and waste removal.

A noise impact statement and addendum with proposed mitigation has been provided in support of the application. The reports have assessed the likely noise impacts upon nearby residential properties and advise that internal noise emanating from the theatre will be restricted to performances and rehearsals. Mitigation has been recommended in an attempt to ensure that internal and plant noise will be within acceptable limits within nearby residential properties (inaudibility for performance noise and NR25 for plant noise). The assessment recommends an upgrade of the glazing to include secondary glazing and an internal lobby and foyer is included in ground floor drawings to reduce noise escape from the front entrance. Should the application be supported then a condition requiring the mitigation to be installed (glazing and plant) should be attached to any consent.

No external areas are proposed for eating, drinking or for patrons to smoke and therefore have not been considered within the application noise impact assessment. Should patrons wish to smoke they will need to go outside. In this regard, it is not anticipated that theatre patrons will introduce significant levels of noise from such activities above that already existing on Rose Street.

The inclusion of an ancillary bar and cafe able to accommodate 78 patrons within the premises are unlikely to add significant additional disturbance to the surrounding residential premises during the premises operations. It is not uncommon for a bar to be situated within a theatre to allow patrons to enjoy a pre-show or interval refreshment and therefore this section is not overly concerned by the inclusion of the ancillary bar in the application. The applicant has advised that the bar will not be open post-show and the premises will close at 11pm daily. The operations, bar and therefore external patron noise can be controlled by the licensing regime. It is not anticipated that there will be significant loitering of patrons with people likely to dissipate quickly after performances.

Any premises which can accommodate 639 patrons in one go will require a significant level of servicing of the premises. Therefore, deliveries of food, refreshments etc and waste removal (which can include bottle smashing noise) will occur on occasion. Of most concern to Environmental Assessment is the night time removal of stage equipment via the side entrance. Such operations can be noisy and include bangs and crashes which may wake local residents if they are sleeping. The applicant has advised that they would be happy to accept a condition which restricts the delivery or collection of stage equipment to the hours of 0700-2300 hours only.

Environmental Assessment is of the opinion that these noisier operations could be appropriately time managed and carried out during the day when noise is least likely to disturb surrounding residents. Should the application be supported then a condition restricting the hours of deliveries and collections is recommended.

The application proposes a cafe and kitchen which could impact upon residential amenity should the effluvia not terminate at an appropriately high enough position. In this regard, the agent for the application has been requested to provide the ventilation details confirming that the effluvia will terminate at an appropriate point. However, this information has not been provided to this section. Based on this omission, Environmental Assessment is not in a position to support the application due to concerns that higher residential properties could be affected by odours from cooking effluvia.

In conclusion, the area surrounding the application site already has a reasonably noisy evening and night time ambient noise climate which is commensurate with a city centre location. In this regard, the introduction of the application premises may increase external street noise to a certain degree which will mainly be within the vicinity of the actual premises (especially before and after performances). The local area is mixed use and includes a number of public houses, restaurant and retail premises and commercial activities and therefore the introduction of a centre for performing arts should not contribute significant noise, disturbance or antisocial behaviour much above that which already exists in the locality.

However, as stated above, Environmental Assessment is not in a position to support the application until suitable ventilation details are provided in support of the application which will ensure that localised residential amenity will not be affected by odours from cooking operations.

Location Plan



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